

Jun 27 2009
6:15PM

**THE CITY OF NEW YORK
LAW DEPARTMENT**

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June 26, 2009

By Hand

Hon. Shira A. Scheindlin
United States District Judge
Southern District of New York
500 Pearl Street, Room 1620
New York, New York 10007

Re: *In re Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation*,
MDL No. 1358, Master File No. 1:00-1898 (SAS)
City of New York v. Amerada Hess, et al., 04 CV 3417 (SDNY)

Dear Judge Scheindlin:

Accompanying this letter are three binders with the approximately 123 documents for which ExxonMobil is challenging the City's assertion of the deliberative process privilege, and one disk containing those documents that are excel spreadsheets and that because of their size, cannot be easily printed.

To explain the organization of the binders: all of the documents were produced to defendants in redacted form by the City. For the most part, each tab has two versions of the document, the first as redacted and the second without the redaction. Several tabs, however, have only one copy of the document; that is because the hardcopy document – a cover email – was not redacted, but had an attached an excel spreadsheet that was redacted. The redacted excel spreadsheet is included on the disk. Finally, several tabs simply contain an insert reading “native file only: redacted.” The redacted native file (an excel spreadsheet) is included on the disk, but as it was not attached to an email or other document, there is no accompanying hardcopy document to include in the binder.

The accompanying disk contains a separate file for each spreadsheet, with the redacted version and an unredacted version.

We are still compiling the other documents withheld by the City as work product and will deliver them to you shortly.

Respectfully yours,

Susan E. Amron

Digitally signed by Susan E. Amron
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Date: 2009.06.26 18:53:05 -04'00'

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